

# Town of Los Altos Hills

## City Council Regular Meeting Minutes

June 11, 2009

Council Chambers, 26379 Fremont Road

### CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Mordo called the City Council Regular Meeting to order at 6:30 p.m. in the Council Chambers at Town Hall.

Present: Mayor Jean Mordo, Mayor Pro Tem Dean Warshawsky,  
Councilmember Breene Kerr, Councilmember Rich Larsen and  
Councilmember Ginger Summit

Absent: None

Staff: City Manager Carl Cahill, City Engineer/Public Works Director Richard Chiu, Finance Director Nick Pegueros, Planning Director Debbie Pedro, City Attorney Steve Mattas, and City Clerk Karen Jost

Council adjourned to Closed Session at 6:32 p.m.

### CLOSED SESSION

CLOSED SESSION: EMPLOYEE PERFORMANCE EVALUATION: CITY MANAGER  
(Pursuant to Government Code Section 54957)

CLOSED SESSION: CONFERENCE WITH LABOR NEGOTIATOR(S)  
(Pursuant to Government Code Section 54957.6)

Agency Designated Representative: Mayor/City Attorney  
Unrepresented Employee: City Manager

CLOSED SESSION: EMPLOYEE EVALUATION  
(Pursuant to Government Code Section 54957)  
Title: City Attorney

CLOSED SESSION: CONFERENCE WITH LABOR NEGOTIATOR  
(Pursuant to Government Code Section 54957.6)  
Agency Designated Representative: City Manager  
Unrepresented Employee: City Attorney

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 case

### PUBLIC SESSION

Council reconvened to Open Session at 7:15 p.m.

City Attorney Steve Mattas reported out of Closed Session: Direction was given on the one item considered in Closed Session; there was no reportable action taken by Council. Items not considered were continued to a future Closed Session.

#### APPOINTMENTS AND PRESENTATIONS

1. Appointment to the Planning Commission (1 vacancy)

Council had before them applications from the following resident candidates to fulfill the final year in the term of retiring Planning Commissioner Carl Cottrell: Ty H. Conner, Hal Nissley, Richard Partridge, Joan Sherlock and Susan Sullivan. The City Clerk advised Council that candidate Sullivan had withdrawn her application from consideration.

Each candidate was afforded an opportunity to address Council and to respond to questions from the Council.

Candidate Richard Partridge was selected by a 4-1 ballot vote to serve on the Planning Commission for a term of one year.

#### CONSENT CALENDAR

MOTIONED SECONDED AND CARRIED: Moved by Larsen, seconded by Warshawsky and passed unanimously to approve the items on the consent calendar; specifically:

2. Approval of Meeting Minutes: City Council Regular Meeting – May 28, 2009
3. Notification of Fast Track Approval: Lands of Lopotiouk; 11885 Francemont Drive, (File #50-09-ZP-SD-GD) A Request for a Site Development Permit for a 5,133 square foot two story new residence with a 790 square foot basement (Maximum height: 27') and the removal of one (1) 13" heritage oak tree. CEQA Review: Categorical Exemption per Section 15303(a) (Staff: N. Horvitz)
- Appeal Deadline: June 17, 2009

#### PRESENTATIONS FROM THE FLOOR

No presentations were given

#### PUBLIC HEARINGS

4. Consideration of Proposed FY09-10 Operating and Capital Improvement Budget Resolution No. 34-09 (Staff: N. Pegueros)

Finance Director Nick Pegueros introduced the item to Council. Council had before them the proposed Operating and Capital Improvement Program Budgets for Fiscal Year 2009-2010. The proposed budget had been presented at a study session of the City Council and Finance and Investment Committee on May 28, 2009. Pegueros provided an overview of

the highlights of the budget document and noted that it was mainly unchanged from the document they had previously reviewed including the funding for the capital improvement program budget expenditures. Staff would return to Council with the specific project proposals and budgets as the needs were evaluated by staff

Pegueros identified two minor changes in the document. A reference to the Friends of Westwind operating the Barn was erroneous and had been corrected on the online draft. The additional change was a staff recommendation that the community service grant awards be deferred until December 2009/January 2010 time period to allow staff the opportunity to assess the impact of the State's approved budget on Town finances.

Council briefly discussed the recommendation to modify the dates for considering the community service grant awards. There was a consensus of Council to move forward with scheduling the grant requests in July with the expectation that the state budget would be adopted by the hearing date. Funding could be deferred until a future date if it was deemed necessary.

#### OPENED PUBLIC HEARING

No public comments were given.

#### CLOSED PUBLIC HEARING

Council advised that the proposed budget had been carefully analyzed and evaluated by the Council at a previous meeting that had been open to the public.

MOTION SECONDED AND CARRIED: Moved by Summit, seconded by Warshawsky and passed unanimously to adopt the Operating and Capital Improvement Program Budgets for Fiscal Year 2009-10 with the following amendment: the community service agency grant award period would return to its normal scheduling cycle in July/September.

5. LANDS OF BROCKWAY: (Formerly Lands of Moeller) (#101-09-MISC); Hearing of an Appeal of the City Engineer's Approval of the Subdivision Improvement Plan and Specifically for the Utility Undergrounding Plan for 11990 Page Mill Road (Staff: R. Chiu)

#### ➤ City Council Ex Parte Contacts Policy Disclosure

*Councilmember Kerr:* Visited the site and talked with the property owner (Brockway).

*Councilmember Larsen:* Visited the site and met with the appellant (Waidy Lee and property owner (Brockway).

*Councilmember Summit:* Visited the site and talked with the property owner (Brockway).

*Mayor Pro Tem Warshawsky:* Visited the site. No direct contact with anyone.

*Mayor Mordo:* Visited the site and met with property owner (Brockway).

City Engineer/Public Works Director Richard Chiu introduced the agenda item to Council. He proceeded with a PowerPoint presentation that illustrated the approved

undergrounding plan for 11990 Page Mill Road and the alternative plan that had been proposed by the appellant, Waidy Lee. Presentation slides identified the existing power poles, overhead utility lines for Lands of Brockway and the adjacent property Lands of Killian and Lee, and the direction of the existing current flow. The subdivision improvement plan for undergrounding utilities had been approved by PG&E and the City Engineer and would be the source of power supply to both subdivision parcels. This was shown in yellow and marked C and D on the site plan. The required PG&E maintenance/emergency access to support the undergrounding transformer, pole and pole box was shown on the site plan as a hammerhead design and was adjacent to the Lands of Killian and Lee. Chiu clarified that the access was not paved and would be constructed of base rock. It was noted that the utility easement could be restricted for utility use only.

Chiu reviewed the appellant's (neighbors) proposal for undergrounded utilities identified as a red line and marked F-E on the presentation slide. The proposal would require the current to be redirected and travel from A-G-F-E. The subdivision's driveway could be used for maintenance/emergency service by PG&E. This proposal eliminated the need for the "hammerhead" access adjacent to the Lands of Killian and Lee. Chiu reviewed the current flow and noted that the alternative proposal submitted by the appellant would require a new undergrounded service on the Lands of Killian and Lee. Prior to the meeting, PG&E had advised staff that the overhead lines identified on Page Mill Road as A-G-F would require upgrading to handle the increased current flow. Additionally, the vault at pole F was inadequate for the proposed service and would require upgrading. Chiu estimated that the neighbors' proposal would require approximately 300 feet of additional trenching. The cost for the neighbors' alternative proposal was unknown and had not been submitted to PG&E for review. PG&E was unwilling to provide a cost estimate for the alternative design without deposits. Chiu estimated that a "rough approximation" of the increased cost for the alternative proposal was approximately \$70,000 to \$150,000 for the additional trenching, upgrade of the overhead lines and design costs from PG&E.

Chiu concluded his report by advising Council that staff believed the applicant's proposed subdivision improvement plans for utility undergrounding (line C-D) were in general conformance with the approved tentative map and in compliance with the Town's Municipal Code.

Council discussion ensued regarding the proposals. It was noted that issues of steep terrain and drainage problems negatively impacted several of the alternative options. Chiu reiterated that that PG&E had not reviewed the alternative proposal.

*Appellant Presentation:*

Appellant Waidy Lee addressed Council. She advised the City Council that she was before them to appeal the City Engineer's administrative decision of the subdivision improvements for utility undergrounding at 11990 Page Mill Road. Lee stated that three undergrounding options had been presented to the neighbors and she believed the alternate plan (undergrounding from F-E) was a safer option than the approved plan. Twenty three neighbors from Page Mill Road, Central Drive and Red Rock Road had signed and submitted a petition to the Town on March 8, 2008 in support of the "neighbors' alternative undergrounding plan". Lee noted that she understood that once a tentative map was approved, the improvement plans did not require further review by the Planning Commission. However, Lee believed there were several outstanding issues that

supported her request for an additional review by the Commission. They included: discrepancies between the approved City Council Tentative Parcel Map for the subdivision and the current Tentative Parcel Map; undergrounding of electrical lines was a safety issue; the approved undergrounding location had flooding/drainage problems; and, the new PG&E utility hammerhead access road that would be required for the approved undergrounding plan had not been discussed at the time of the Tentative Map review.

Lee began her PowerPoint Presentation with an aerial and illustration of the distribution route of the current PG&E overhead wires. Her additional slides included an aerial representation of the two different utility plans with the proposed underground lines; a chart that compared the changes required for each plan (C-D and A-G-F-E with F-E undergrounded); sections of the Tentative Map dated 2007 of the underground utility plan and the utility underground plan approved by the City Engineer in 2009; and her reasons for requesting additional review by the Planning Commission.

Lee noted that with the neighbors' plan only three poles would remain and all utilities would be undergrounded. In comparison, the developer's plan would require an additional pole and one additional vault. Lee reviewed the staff report before Council and offered that there were two "misunderstandings" of the alternative plan referenced. They included: no undergrounding was proposed on her property; and, the undergrounding was on the west not the east side. Lee had met with the City Manager and City Engineer prior to the Council meeting to clarify these issues. Lee offered that she was willing to underground her utilities but she had been advised by PG&E that it would be very expensive.

In her concluding remarks, Lee explained that at the January, 2007 Planning Commission meeting, a majority of the Commissioners had directed the developer to work with her to underground her portion of the PG&E lines. She believed the neighbors' plan reduced the fire danger for the neighborhood during high wind conditions and met the direction of the Commission. Lee reiterated her previously expressed reasons for requesting the City Council to refer the matter back to the Planning Commission and asked that her fee for the appeal be waived. In response to Council inquiries, Lee responded that she was willing to pay for the costs associated with undergrounding the utility lines on her property as shown from pole G to C. However, she did not support undergrounding from A-B-C which presented issues with vegetation and the removal of an oak tree. Lee stated that fire safety was her first priority. Earl Killian clarified that they had received different responses from PG&E regarding the viability of undergrounding options on the property. Both alternatives A-B-C and G-C had been deemed possible and impossible at different times by PG&E. Both options were located in steep terrain.

Appellant Earl Killian addressed Council. Killian stated that he had been frustrated by the appeal process and was requesting Council consideration of sending the application back to the Planning Commission to afford the Commission the opportunity to resolve the outstanding issues.

Killian proceeded with a PowerPoint presentation. He outlined his reasons for returning the application to the Commission. They included: the lack of review of the approved undergrounding plan by the Planning Commission, City Council or the public; tree cutting had occurred on the Brockway property without proper public noticing or a

mitigation plan; and, the Planning Commission and City Council's recommendations on undergrounding had not been followed. Killian offered in response to comments that had been made that their proposal would cause delays to the project; that he was of the opinion that any scheduling delays were attributable to the developer. Killian explained that the plans for undergrounding utilities were not available for review until April 30, 2009 and he had yet to see the changes to those plans identified in an email dated May 4, 2009.

Killian proceeded with a timeline of the subdivision process which began in January, 2007. His slide included excerpts from the minutes of the Planning Commission and City Council hearings on the subdivision application. Killian suggested that "stealth" changes had been made to the approved Tentative Map and clear-cutting of the property and removal of heritage oak trees had occurred all without notification of the neighbors. Killian added that he was unaware of the approved utility plan until he was asked by the developer to sign a PG&E authorization letter. He was advised by the developer that he would have to pursue the undergrounding of their utility lines as a separate matter and he believed this was not in accordance of the Planning Commission's recommendation that the developer work with them on the issue. Killian noted that the first time they became aware of the undergrounding changes was during their review of the revised sewer line installation plan; a violation of the Town's Municipal Code. This prompted the developer to meet with the neighbors and present the three proposed plans for undergrounding the utility lines.

Killian provided a verbal overview of the April 30<sup>th</sup> meeting that had been convened with five neighbors, the developer, City Engineer and Planning Director to review the plans. Subsequent to the meeting, the City Engineer advised them that he had made a decision to proceed with the developer's plan for undergrounding and the utility pole was to be moved to their property.

Killian reviewed again with Council his reasons for requesting the appeal of the City Engineer's decision that he had outlined at the beginning of his presentation; and, the request for a waiver of the appeal fees. He believed the Town had not followed the appropriate procedures and noted that he had never received a written description of the appeal process after repeated requests.

*Applicant Testimony:*

Applicant Beverly Brockway addressed Council. She thanked the Councilmembers for taking the time to visit the site. Brockway noted that she was not before Council to participate in name calling or to dispute statements; she understood that there were different interpretations of the events and always two sides to every story. She proceeded with the history of how she acquired the property and explained it had been her intent to build her own residence on the property. However, given the costs of the overrides and animosity directed towards the project, this was no longer an option. She spoke to her previous experience with developing a subdivision in Los Altos Hills and the fact that it had been very pleasant and amenable. Brockway commented that she had been a real estate agent dealing with homes and vacant lots in and around Los Altos Hills for 38 years and she had never encountered a more daunting or difficult experience. She advised Council that she had met with PG&E earlier in the day prior to the Council meeting, and they had confirmed that they had rejected Waidy Lee's proposal for undergrounding in 2000. The estimated cost for the project at that time was \$200 square

foot and using that figure as the basis for the estimation of today's project might be not be appropriate given the costs of inflation.

Brockway stated that the town staff had been very professional and made every effort to work with everyone to resolve issues as they have arisen. PG&E had been very cooperative; however, it had taken PG&E approximately one year for the review and approval of the subdivision's undergrounding plans. Brockway added that PG&E had spent an exceptional amount of time reviewing the plans and had expressed their desire to finalize the issue.

Brockway reviewed an email sent in 2000 from PG&E to Waidy Lee rejecting their proposal to remove the overhead lines on her property. The utility company had offered to address their safety concerns by pruning or removing and replacing the vegetation/trees on their property located by the overhead lines. Lee had declined.

Brockway reviewed her subdivision timeline and emails with the neighbors regarding the improvements. She noted that there were real difficulties with Waidy Lee's proposal (F-E) including the swale, steep slope and lengthy access road that would be required by PG&E for emergency/maintenance of the utility distribution line. Brockway offered that she had made an honest effort to work with the appellant.

Council questioned applicant Brockway. In response to a Councilmember inquiry, Brockway responded that she was willing to change location of the proposed single vault but did not want to incur any additional costs and wanted to see her project finalized. She explained that she had proposed the alternatives for undergrounding to the neighbors in the hopes of resolving the issues, however, after further review of the direction of the current flow and the location of poles in Palo Alto, it was determined that these were not as viable of a solution as the PG&E approved plan before Council (C-D).

Jeff Lea, Lea & Braze Engineering, Applicant's Engineer addressed Council. He had confirmed with PG&E in writing prior to the Council hearing that options shown on the map as A-B-C or G-C would not be allowed by PG&E as a 12v transmission line or undergrounded line. Lea explained that access roads could not be constructed on sites with a slope greater than 20%. This factor prevented construction of the required 100% coverage of the undergrounded line by an access maintenance "road". Lea noted that it was physically impossible to locate the access road on the south side of Page Mill Road given the terrain. Additionally, the access drive from F would be extremely steep and problematic. Lea reiterated that the access road shown on the approved plan (hammerhead) could not be used for any other purpose than as a PG&E access road for maintenance.

Lea explained that when the Tentative Map had been approved, staff had been directed by Council to work with the applicant to resolve the outstanding issues. He offered that the current Tentative Map reflects that direction. In closing, to clarify earlier comments made by the appellant, Lea explained that the sewer force main had not been changed and had been reflected in the same location on all of the documents since the inception of the project. The developer had been unaware of the well in the small shed on the Killian/Lee property and the line was modified to address the well. Lea advised that he had not prepared the alternative options including the F-E-D proposal. Lea had been told by

PG&E that this would require tripling the size of the vault to a 45 square foot vault (from a 15 foot vault) and upgrading the poles.

Brockway explained that she had made the alternative proposals as suggestions only to the neighbors but the neighbors had been slow in responding. She spoke to the perceived problems with acquiring additional utility approvals from Palo Alto for modifications to their poles.

Appellant Waidy Lee stated that she had forwarded Brockway's proposal to the neighbors. The applicant had advised her that she had until March 4<sup>th</sup> to respond. Earl Killian added that the proposed undergrounding from C-D was within 20 feet of a grove of redwood trees on their property.

#### OPENED PUBLIC HEARING

Julia Zarcone, Central Drive, stated that she has resided in Los Altos Hills for twenty years. She understood that this was a complicated issue with no easy solution. She requested that the application be returned to the Planning Commission to address the neighbors' safety concerns about the overhead lines. Zarcone believed that the location of the service road was problematic given that it was being built on a drainage swale and the lines were being located in an extremely wet area.

Jim Patmore, Central Drive, commented that the safety concern was the primary issue with the overhead lines. He noted that the proposed/approved undergrounding was pointless given that it did not eliminate any poles and required a larger pole and vault. He favored the neighbors' plan if it was feasible but suggested that it might be appropriate to not underground on the site.

Kit Gordon, Central Drive, supported the application being returned to the Planning Commission. She spoke to the drainage issues and larger pole that would be required with the approved plan. Gordon noted that fire safety was a primary focus and would like to see the maximum number of lines undergrounded.

Eric Evans, Buena Vista Drive, supported the neighbors' alternative plan. He commented that locating the access road where the proposed driveway had been denied did not make much sense. Evans noted that neighbors had not been notified or involved with the change that required the access road. He supported the undergrounding of all of the utility poles along Page Mill Road.

The City Clerk advised the Council that she had received an email correspondence from Ellen R. Reiser, Red Rock Road, requesting that her comments be read into the record. Council had the email on the dais before them. The Clerk advised Council that the email would be included in the public record.

#### CLOSED PUBLIC HEARING

Mayor Mordo reviewed the options before Council. They included: denial of the appeal; continuation of the item for further review by the City Council; or returning the item to the Planning Commission. He suggested that there were several outstanding issues that needed further clarification. Additionally, he questioned why undergrounding was being



required given the problems that had been identified with the project. The undergrounding did not eliminate any poles, required construction in a compromised wet area, and, necessitated a larger pole on the neighbor's property. Mordo offered that the Planning Commission might be the appropriate venue for investigating the options and determining the appropriate solution.

Mayor Pro Tem Warshawsky offered that he could support eliminating the undergrounding requirement for the subdivision given the difficulties with the site. Kerr concurred that the access road was problematic and undergrounding 12 volt wire in a drainage swale would lead to constant maintenance issues.

Appellant Killian noted that if the Council should choose to not require undergrounding on the subdivision or approve the C-D option, the fire danger from A-B and B-C (on his property) would remain forever. He commented that they supported the F-E option that removed poles and improved fire safety. Killian clarified that the poles on Page Mill were in the unincorporated area of the County of Santa Clara not Palo Alto.

Councilmember Summit commented that she had walked the site with the plans and concurred that there were problems with the F-E option including the steep slope and the requirement to cross a stream. However, she was very concerned that eliminating the requirement to underground the utilities ignored the neighbors expressed concerns regarding fire danger from overhead lines.

City Attorney Steve Mattas reviewed the Zoning Code's "conditional exception" provision with Council. He clarified that evoking the "exception" would require findings of the Planning Commission that supported the utility lines shown as C-D on the map remaining above ground. Mattas added that the Council could refer the matter to the Planning Commission with the direction to consider that option.

Councilmember Larsen expressed his support for returning the item to the Planning Commission with the understanding that the option to retain the lines C-D above ground be investigated. Additionally, he wanted PG&E to address the fire hazards from the other utility lines (A-B-C) the neighbors had cited in their testimony, offering that the issue might be resolved with tree trimming. He did not support approving the appellant's request for a waiver of fees given the considerable amount of time that had been expended by the Town on the review. He noted that the developer had been working on the project for approximately two years and had been required to install a very expensive pathway on the subdivision.

Council discussed the timing of the Planning Commission review and Council action on the matter. There was a consensus that they did not want to delay the project and supported the utility lines remaining above ground (C-D). Planning Director Pedro offered that the item could be agendaized for the Commission's consideration at their July 2<sup>nd</sup> meeting and returned to Council at their regularly scheduled July 9<sup>th</sup> meeting.

Council considered providing further direction to the Planning Commission to explore the neighbors' alternative undergrounding plan (F-E) and confirm that the option was not feasible. The City Engineer clarified that there would be costs associated with any review of alternatives by PG&E and the study could take considerable time. Additionally, encroachments permits would be required from the County and possibly

City of Palo Alto for the plan. It was determined that F-E was problematic and not preferable to keeping the utilities above ground.

During the discussion applicant Beverly Brockway explained that she had been working with PG&E since 2007 on the design for service to the subdivision. She volunteered to donate the estimated costs of undergrounding improvements, approximately \$40,000, to the Town. She concurred that the Town could determine where the voluntary donation of funds would be designated.

Appellant Waidy Lee requested consideration of a utility easement for possible future undergrounding of utilities from F-E. No Council action was taken. She reiterated her request to have her appeal fees waived.

**MOTION SECONDED AND CARRIED:** Moved by Warshawsky, seconded by Larsen and passed by the following roll call vote to direct that the matter be returned to the Planning Commission with a request that the Planning Commission consider whether findings in support of a conditional exception pursuant to 9-1.1501 could be made that would allow the segment of the utility line that is proposed to be undergrounded (Section between points C and D on the map) could remain as above ground utility lines. Assuming the Planning Commission does make such a finding, the City Council requested that the matter be scheduled for final City Council action as a consent calendar item on the July 9, 2009 City Council meeting. If the Commission is unable to make such a finding, then the matter would be returned to Council for final action on the appeal.

AYES: Mayor Mordo, Mayor Pro Tem Warshawsky, Councilmember Kerr,  
Councilmember Larsen and Councilmember Summit  
NOES: None  
ABSENT: None  
ABSTAIN: None

The City Council directed staff to work with the Los Altos Hills County Fire District, property owners and PG&E to look into reducing the fire danger. Options discussed included tree trimming, tree removal, and the use of tree wires. Mayor Pro Tem Warshawsky volunteered to work with PG&E to address the issue.

COUNCIL RECESSED AT 10:35 P.M.

COUNCIL RECONVENED TO OPEN SESSION AT 10:45 P.M.

Mayor Mordo re-introduced the request from the appellants Waidy Lee and Earl Killian for Council consideration to waive their fees. Council concurred with returning the request to the July 9<sup>th</sup> meeting for review if the Planning Commission's action was forwarded to them at that meeting.

#### UNFINISHED BUSINESS

##### 6. Update on Town Goals

- Emergency Preparedness
- Environmental Initiatives
- Parks and Recreation Assets and Programs

- Sewers and Infrastructure

*No reports were given.*

## NEW BUSINESS

7. Introduction of an Ordinance Amending Title 6, Chapter 4 Sections 6-4.502 of the Los Altos Hills Municipal Code, Extending the Term of Sewer Reimbursement Agreements (Staff: R. Chiu)

City Engineer/Public Works Director Richard Chiu introduced the item to Council. The City Council at their February 12, 2009 regular meeting directed staff to change the term of the Town's standard sewer reimbursement agreement from 15 to 25 years. The change would provide more time for the developers/property owners that installed a sewer main to recover their initial investment. The ordinance before Council would amend the Town's Municipal Code to implement the Council's direction.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Larsen and passed by the following roll call vote to waive reading and introduce Ordinance 516 amending Title 6, Chapter 4 Sections 6-4.502 of the Los Altos Hills Municipal Code, extending the term of sewer reimbursement agreements.

AYES: Mayor Mordo, Councilmember Kerr, Councilmember Larsen and Councilmember Summit  
 NOES: Mayor Pro Tem Warshawsky  
 ABSENT: None  
 ABSTAIN: None

Council discussion ensued regarding existing reimbursement agreements. It was noted that the Council's decision to increase terms of the agreement was adopted to encourage the construction of new systems. There was a Council consensus that it was a policy that would not be retroactive given that the increased timeline could potentially act as a deterrent to property owners to hook-up to sewer systems that had already been built.

8. Consideration of City Council Meeting Schedule (Staff: K. Jost)

Council had before them a calendar of their summer meeting schedule. The City Clerk advised Council that many of the local jurisdictions and public agencies cancel meetings in summer given the vacation plans of their constituency. It was noted that the City Manager could advise the Mayor to convene a Special Meeting of the City Council if items were to arise that required Council consideration.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Larsen and passed unanimously to cancel the June 25, August 13 and August 27, 2009 regularly scheduled Council meetings.

9. Consideration of Amendment to Employment Agreement with Carl Cahill

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Larsen and passed unanimously to adopt Resolution No. 35-09 approving and authorizing execution

of amendment No. 3 to the employment agreement between the Town of Los Altos Hills and Carl Cahill.

#### PLANNING COMMISSION REPORT

10. Verbal Report – June 4, 2009 Planning Commission Meeting and Consideration of Townwide Mailing for Housing Element Review Process (Staff: D. Pedro)

Planning Director Debbie Pedro provided an overview of the Planning Commission's actions at their June 4, 2009 meeting. Specifics of the reviewed projects would be forwarded to the City Council for their review by the City Clerk prior to the appeal deadlines.

Council had before them a draft of the town-wide mailer advising residents of the public review schedule for the draft 2009 Housing Element update. The Planning Commission would consider the updated Housing Element at their July 2<sup>nd</sup> meeting and make a recommendation to the City Council. The City Council would review the updated Housing Element and proposed Negative Declaration at their meeting on July 23, 2009.

Council consensus was to approve the mailer as presented and authorize Town-wide distribution.

#### REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember Ginger Summit reported that she had attended the CSTI emergency training program in San Luis Obispo. She noted that the training was very detailed and exhaustive but worthwhile. Summit had met with the Town's Public Safety Officer Steve Garcia to review the applications she had learned and offered that in light of her training, she was very impressed with the Town and staffs level of preparedness in comparison to other cities in the state. She recommended that the training program be made available to all Councilmembers.

Mayor Pro Tem Warshawsky reported that the Standing Education Committee had reviewed the proposed school bus service for Town residents. Several committee members volunteered to investigate the issue with PTA representatives from the local schools to assess their interest. No formal survey was recommended by the committee. The committee will convene again in August. Warshawsky noted that a committee member had broached the idea to revisit the designation of the Pinewood School site (PAUSD) in the General Plan to public only from public/private.

Councilmember Larsen reported that he had attended the Countywide CERT training held at Moffett Field on May 30<sup>th</sup>. The session focused on emergency logistical planning for the county area.

Councilmember Larsen advised Council that the Standing Environmental Initiatives Committee's first public educational forum was scheduled for June 17<sup>th</sup> at Town Hall. The program would focus on greenhouse gas reduction.

Councilmember Kerr reported that he had attended a two-day ‘Build it Green’ workshop. He advised that the program was very worthwhile and recommended it to other Councilmembers. Kerr suggested that it might be an appropriate forum for the EIC to offer to Town residents and will investigate the feasibility of a two hour forum.

### STAFF REPORTS

City Manager  
City Attorney  
City Clerk

*No reports were given.*

### COUNCIL INITIATED ITEMS

11. Consideration of Process for Assessing Los Altos Hills Residents Interest in Participation in the Funding of the City of Los Altos Community Center – Mayor Mordo

Mayor Mordo introduced the item to Council. Council had before them a letter from Los Altos Mayor Megan Satterlee requesting that the City Council conduct a community survey to gauge the residents’ interest in participation in the funding of the new Los Altos Community Center. Mordo recommended that the Council consider forming an Ad-Hoc Committee to investigate the structure of the survey. His expectation was that there would be minimal costs, approximately a few thousand dollars, associated with the survey

Councilmember Kerr expressed his concern that the proposed Los Altos project was not “Green” and did not fit the Town’s “Green Building” criteria for new municipal buildings. He recommended that if the Town were to participate in any financing of the project, there be assurances that the Civic Center plans incorporate “Green” standards. Mordo responded that currently the project was in the conceptual phase.

Mayor Pro Tem Warshawsky volunteered to serve on the Ad-Hoc Committee. Warshawsky believed that the project was great for the City of Los Altos but questioned the value for Town residents. He wanted to be sure that there were realized benefits for residents given the associated costs with their participation in the funding. Warshawsky wanted the Town residents to have enough information on how they would be impacted (parcel tax) and at what cost. He questioned if there was enough information available on the project at this time for the residents to consider.

Mayor Mordo suggested that it was important to structure the survey so that we could assess the interest of residents. He suggested that cost ranges for participation be provided as choices and levels of interest. Mordo noted that if the response from residents was not positive, the City would most likely not include the Town in their ballot measure.

Councilmember Summit commented that she believed the project would be well received and supported by the residents given the amenities they would be able to access including

the senior center, swimming pool, theater and gym. She referenced the missed opportunity that the Town had to participate in the purchase of Palo Alto Foothills Park.

City Manager Cahill advised Council that the Town had used a postcard to survey residents' interest in recreational facilities. This format had been low cost and very successful with a high return rate. Mordo concurred with the concept as a first step with a more in depth website survey as a follow-up.

PASSED BY CONSENSUS OF THE COUNCIL: Council approved the formation of the Ad-Hoc Committee to develop the post card survey. Mayor Mordo and Mayor Pro Tem Warshawsky would serve as the Council representatives on the Ad-Hoc Committee. Language for the mailer would return to the Council for final approval.

#### ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the City Council at 11:25 P.M.

Respectfully submitted,

Karen Jost  
City Clerk

The minutes of the June 11, 2009 meeting were approved as presented at the June 25, 2009 regular City Council meeting.